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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: §
§ Chapter 11
§
HIGHLAND CAPITAL MANAGEMENT, L.P.,¹ § Case No. 19-34054-sgj11
§
Debtor. §
§
HIGHLAND CAPITAL MANAGEMENT, L.P., §
§
Plaintiff, § Adversary Proceeding No.
§
vs. § 21-03007-sgj
§
HCRE PARTNERS, LLC (n/k/a NEXPOINT §
REAL ESTATE PARTNERS, LLC), §
§
Defendant. §

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

**DEBTOR'S NOTICE OF RULE 30(b)(6) DEPOSITION TO
HCRE PARTNERS, LLC (N/K/A NEXPOINT REAL ESTATE PARTNERS, LLC**

PLEASE TAKE NOTICE that pursuant to Federal Rules of Bankruptcy Procedure 7030, incorporating by reference Federal Rule of Civil Procedure 30(b)(6), Highland Capital Management, L.P., the debtor and debtor-in-possession (the “Debtor”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), shall take the deposition HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE”) in connection with the *Complaint for (I) Breach of Contract and (II) Turnover of Property of the Debtor’s Estate* [Docket No. 1]² (the “Complaint”), filed by the Debtor, of the person(s) most qualified to testify on HCRE’s behalf with respect to the topics described in **Exhibit A** attached hereto on **July 6, 2021** commencing at **9:30 a.m. Central Time**, or at such other day and time as the Debtor determines upon reasonable notice. **The deposition will be taken remotely** via an online platform due to the coronavirus pandemic such that no one will need to be in the same location as anyone else in order to participate in the deposition and by use of Interactive Realtime. Parties who wish to participate in the deposition should contact **John A. Morris**, Pachulski Stang Ziehl & Jones LLP, at jmorris@pszjlaw.com **no fewer than 48 hours before the start of the deposition** for more information regarding participating in this deposition remotely.

² Refers to docket numbers maintained in the Adversary Proceeding.

Dated: June 7, 2021

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-and-

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EXHIBIT A

DEFINITIONS

1. “Concerning” means and includes relating to, constituting, defining, evidencing, mentioning, containing, describing, discussing, embodying, reflecting, edifying, analyzing, stating, referring to, dealing with, or in any way pertaining to the subject matter.
2. “Answer” refers to *HCRE Partners, LLC’s Answer to Plaintiff’s Complaint*, filed by HCMS on March 3, 2021 [Docket No. 7].
3. “You” refers to HCRE.

TOPICS

Topic No. 1:

Any allegations set forth in the Complaint that You deny.

Topic No. 2:

The facts and circumstances Concerning Your affirmative defense that the Debtor’s claims are “barred in whole or in part by the doctrine of justification and/or repudiation,” as alleged in paragraph 55 of Your Answer.

Topic No. 3:

The facts and circumstances Concerning Your affirmative defense that the Debtor’s “claims are barred in whole or in part by the doctrine of estoppel,” as alleged in paragraph 56 of Your Answer.

Topic No. 4:

The facts and circumstances Concerning Your affirmative defense that the Debtor’s “claims are barred in whole or in part by the doctrine of waiver,” as alleged in paragraph 57 of Your Answer.

Topic No. 5:

The facts and circumstances Concerning Your affirmative defense that the Debtor's "claims are barred in whole or in part by the doctrines of offset and/or setoff," as alleged in paragraph 58 of Your Answer.

Topic No. 6:

Any payments made by You or on Your behalf that were applied to amounts due under any of the Notes.